

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LEE HERRIMAN

Plaintiff,

Case No. 24-CV-615

vs.

THE PEPSICO INC. DISABILITY PLAN,

and

SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.,

Defendants.

MOTION TO DISMISS WITHOUT PREJUDICE

The Plaintiff, Leea Herriman, by her attorneys, Hawks Quindel, S.C., hereby states the following:

1. Subsequent to filing the Complaint in this matter, Defendants advised Plaintiff that they would be paying all previously disputed past-due Long-Term Disability benefits and continuing to pay monthly benefits subject to continued review of her eligibility for Long-Term Disability benefits.

2. As there are presently no benefits in dispute in this matter, Plaintiff moves to dismiss the above-captioned matter without prejudice and without fees or costs to either party.

Dated this 13th day of February, 2024

HAWKS QUINDEL, S.C.

Attorneys for Plaintiff, Leea Herriman

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Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff may dismiss without prejudice without a court order because Defendant has not answered or moved for summary judgment.

The Clerk of Court is respectfully directed to terminate ECF No. 16 and to close the case.

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

2/13/24